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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,568	03/23/2001	Rick V. Murakami	9437.13	6499

21999 7590 10/23/2002
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EXAMINER

SUN, XIUQUIN

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,568

Applicant(s)

MURAKAMI ET AL.

Examiner

Xiuqin Sun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11, 15-20, 26, 27, 31-35, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 5-9, 12-14, 21-25, 28-30, 36-40 and 43-45 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objection

1. Claims 11, 27 and 42 are objected to because of the following minor informalities:

Please change "are obtained" into --are obtained by--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10-11, 15-20, 26-27, 31-35 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al. (U.S. Pat. No. 6256737) in view of Beatson et al. (U.S. Pat. No. 5892824).

Bianco et al. teach a system, method and computer program product that utilizes biometric measurements for the authentication of users to access to enterprise resources (see abstract; col. 2, lines 53-67 and col. 3, lines 1-48). Bianco et al. further suggest the importance of calibrating the biometric

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authentication system over time (col. 8, lines 1-8 and col. 28, lines 43-52). Bianco et al. further teaches a process for generating a template fingerprint, comprising the steps of: obtaining an authenticating biometric value from an actual biometric measurement (col. 8, lines 26-27); weighting the authenticating biometric value, and integrating the weighted authenticating biometric value into an authenticating template (col. 35, lines 54-67, col. 36, lines 1-55, col. 40, lines 43-67 and col. 41, lines 1-8). Bianco et al. further teaches that the integration of the weighted value is accomplished by averaging the weighted value into the authenticating range of values (col. 36, lines 1-43), and the step of averaging the weighted value further comprises multiplying the authenticating measured value by a multiplier (col. 36, lines 1-43). Bianco et al. further teaches that the authenticated biometric values include measurement of histological and physiological biometric markers (col. 12, lines 51-61), and one of the biometric markers being measured is an internal biometric marker (col. 12, lines 51-61).

Bianco et al. do not teach explicitly any details of calibrating a biometric authentication system over time. Bianco et al. also do not mention explicitly that: the step of obtaining an authenticated biometric value comprises determining that a measured biometric value falls within a predetermined range of biometric values.

Beatson et al. disclose a biometric template updating process for signature verification, and suggest one to calibrate a biometric authentication system by updating the biometric template over time, such that said system is adaptable to changes in a user's biometric over time (col. 6, lines 56-58, col. 19,

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lines 39-67 and col. 20, lines 1-14). The disclosure of Beatson et al. further includes a step of obtaining an authenticated biometric value that comprises determining that a measured biometric value falls within a predetermined range of biometric values (col. 19, lines 23-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Beatson method for updating a biometric template, and Beatson data validation scheme in the Bianco system in order to provide a better method and system for biometric authentication and activation that can be calibrated over time.

Allowable Subject Matter

4. Claims 5-9, 12-14, 21-25, 28-30, 36-40 and 43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is

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assigned are (703)308-5841 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

XS
XS

October 17, 2002


John Barlow
Supervisory Patent Examiner
Technology Center 2800